

AMENDED IN SENATE JUNE 27, 2001

AMENDED IN SENATE JUNE 21, 2001

AMENDED IN ASSEMBLY MAY 2, 2001

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1334

Introduced by Assembly Member Harman

(Coauthors: Assembly Members Bates and Strom-Martin)

(Coauthors: Senators Alpert and Johnson, Johnson, and Torlakson)

February 23, 2001

An act to add Chapter 3.5 (commencing with Section 2300) to Division 3 of the Fish and Game Code, relating to algae, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1334, as amended, Harman. ~~Genus~~ *Caulerpa species*.

(1) Existing law makes it unlawful for any person to receive, bring, or cause to be brought into this state, for the purpose of propagation, any fish, reptile, amphibian, or aquatic plant from any place wherein any infected, diseased, or parasitized fish, reptile, amphibia, or aquatic plants are known to exist.

This bill would prohibit the sale, possession, importation, transportation, transfer, releasing alive in the state, or giving away without consideration the salt water algae of ~~the genus~~ *enumerated Caulerpa species*, except the bill would authorize the possession of salt water algae of *enumerated Caulerpa species* for bona fide scientific

research upon authorization by the Department of Fish and Game. The bill would authorize the imposition of a civil penalty for violation of the provisions of the bill, in addition to any other penalty provided by law.

Because existing law would make a violation of these provisions a crime, the bill would impose a state-mandated local program by creating new crimes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would declare it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.5 (commencing with Section 2300) is
2 added to Division 3 of the Fish and Game Code, to read:

3

4

CHAPTER 3.5. CAULERPA ALGAE

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6 2300. (a) No person shall sell, possess, import, transport,
7 transfer, release alive in the state, or give away without
8 consideration the salt water algae of the ~~genus~~ *Caulerpa species*:
9 *taxifolia*, *cupressoides*, *mexicana*, *sertularioides*, *floridana*,
10 *ashmeadii*, *racemosa*, *verticillata*, and *scapelliformis*.

11 (b) Notwithstanding subdivision (a), a person may possess, for
12 bona fide scientific research, as determined by the department,
13 upon authorization by the department, the salt water algae of the
14 *Caulerpa species*: *taxifolia*, *cupressoides*, *mexicana*, *sertularioides*,
15 *floridana*, *ashmeadii*, *racemosa*, *verticillata*, and *scapelliformis*.

16 (c) In addition to any other penalty provided by law, any person
17 who violates this section is subject to a civil penalty of not less than
18 five hundred dollars (\$500) and not more than ten thousand dollars
19 (\$10,000) for each violation.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

8 SEC. 3. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety
10 within the meaning of Article IV of the Constitution and shall go
11 into immediate effect. The facts constituting the necessity are:

12 In order to control the introduction and spread of the salt water
13 algae of the *Caulerpa* species enumerated in Section 2300 of the
14 Fish and Game Code, as proposed to be added by Section 1 of this
15 act, at the earliest possible time, thereby protecting the marine
16 environment and the health of marine life, it is necessary that this
17 act take effect immediately.

